

STATE OF NEW YORK

5616

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

Introduced by M. of A. STIRPE, BERGER, WOERNER, McMAHON -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to criminal possession of stolen property

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraphs (t) and (u) of subdivision 4 of section 510.10
2 of the criminal procedure law, paragraph (t) as amended and paragraph
3 (u) as added by section 2 of subpart B of part UU of chapter 56 of the
4 laws of 2022, are amended and two new paragraphs (v) and (w) are added
5 to read as follows:

6 (t) any felony or class A misdemeanor involving harm to an identifi-
7 able person or property, or any charge of criminal possession of a
8 firearm as defined in section 265.01-b of the penal law, where such
9 charge arose from conduct occurring while the defendant was released on
10 [~~his or her~~ **their** own recognizance, released under conditions, or had
11 yet to be arraigned after the issuance of a desk appearance ticket for a
12 separate felony or class A misdemeanor involving harm to an identifiable
13 person or property, or any charge of criminal possession of a firearm as
14 defined in section 265.01-b of the penal law, provided, however, that
15 the prosecutor must show reasonable cause to believe that the defendant
16 committed the instant crime and any underlying crime. For the purposes
17 of this subparagraph, any of the underlying crimes need not be a quali-
18 fying offense as defined in this subdivision. For the purposes of this
19 paragraph, "harm to an identifiable person or property" shall include
20 but not be limited to theft of or damage to property. However, based
21 upon a review of the facts alleged in the accusatory instrument, if the
22 court determines that such theft is negligible and does not appear to be
23 in furtherance of other criminal activity, the principal shall be
24 released on [~~his or her~~ **their** own recognizance or under appropriate
25 non-monetary conditions; [~~or~~]

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (u) criminal possession of a weapon in the third degree as defined in
2 subdivision three of section 265.02 of the penal law or criminal sale of
3 a firearm to a minor as defined in section 265.16 of the penal law[~~+~~];

4 (v) criminal possession of stolen property in the fourth degree as
5 defined in section 165.45 of the penal law, criminal possession of
6 stolen property in the third degree as defined in section 165.50 of the
7 penal law, criminal possession of stolen property in the second degree
8 as defined in section 165.52 of the penal law, or criminal possession of
9 stolen property in the first degree as defined in section 165.54 of the
10 penal law; or

11 (w) grand larceny in the fourth degree as defined in section 155.30 of
12 the penal law, grand larceny in the third degree as defined in section
13 155.35 of the penal law, or grand larceny in the second degree as
14 defined in section 155.40 of the penal law.

15 § 2. Subparagraphs (xx) and (xxi) of paragraph (b) of subdivision 1 of
16 section 530.20 of the criminal procedure law, subparagraph (xx) as
17 amended and subparagraph (xxi) as added by section 4 of subpart C of
18 part UU of chapter 56 of the laws of 2022, are amended and two new
19 subparagraphs (xxii) and (xxiii) are added to read as follows:

20 (xx) any felony or class A misdemeanor involving harm to an identifi-
21 able person or property, or any charge of criminal possession of a
22 firearm as defined in section 265.01-b of the penal law where such
23 charge arose from conduct occurring while the defendant was released on
24 [~~his or her~~] their own recognizance, released under conditions, or had
25 yet to be arraigned after the issuance of a desk appearance ticket for a
26 separate felony or class A misdemeanor involving harm to an identifiable
27 person or property, provided, however, that the prosecutor must show
28 reasonable cause to believe that the defendant committed the instant
29 crime and any underlying crime. For the purposes of this subparagraph,
30 any of the underlying crimes need not be a qualifying offense as defined
31 in this subdivision. For the purposes of this paragraph, "harm to an
32 identifiable person or property" shall include but not be limited to
33 theft of or damage to property. However, based upon a review of the
34 facts alleged in the accusatory instrument, if the court determines that
35 such theft is negligible and does not appear to be in furtherance of
36 other criminal activity, the principal shall be released on [~~his or her~~]
37 their own recognizance or under appropriate non-monetary conditions;
38 [~~or~~]

39 (xxi) criminal possession of a weapon in the third degree as defined
40 in subdivision three of section 265.02 of the penal law or criminal sale
41 of a firearm to a minor as defined in section 265.16 of the penal
42 law[~~+~~];

43 (xxii) criminal possession of stolen property in the fourth degree as
44 defined in section 165.45 of the penal law, criminal possession of
45 stolen property in the third degree as defined in section 165.50 of the
46 penal law, criminal possession of stolen property in the second degree
47 as defined in section 165.52 of the penal law, or criminal possession of
48 stolen property in the first degree as defined in section 165.54 of the
49 penal law; or

50 (xxiii) grand larceny in the fourth degree as defined in section
51 155.30 of the penal law, grand larceny in the third degree as defined in
52 section 155.35 of the penal law, or grand larceny in the second degree
53 as defined in section 155.40 of the penal law.

54 § 3. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
55 criminal procedure law, paragraph (t) as amended and paragraph (u) as
56 added by section 4 of subpart B of part UU of chapter 56 of the laws of

1 2022, are amended and two new paragraphs (v) and (w) are added to read
2 as follows:

3 (t) any felony or class A misdemeanor involving harm to an identifi-
4 able person or property, or any charge of criminal possession of a
5 firearm as defined in section 265.01-b of the penal law, where such
6 charge arose from conduct occurring while the defendant was released on
7 [~~his or her~~] their own recognizance, released under conditions, or had
8 yet to be arraigned after the issuance of a desk appearance ticket for a
9 separate felony or class A misdemeanor involving harm to an identifiable
10 person or property, or any charge of criminal possession of a firearm as
11 defined in section 265.01-b of the penal law, provided, however, that
12 the prosecutor must show reasonable cause to believe that the defendant
13 committed the instant crime and any underlying crime. For the purposes
14 of this subparagraph, any of the underlying crimes need not be a quali-
15 fying offense as defined in this subdivision. For the purposes of this
16 paragraph, "harm to an identifiable person or property" shall include
17 but not be limited to theft of or damage to property. However, based
18 upon a review of the facts alleged in the accusatory instrument, if the
19 court determines that such theft is negligible and does not appear to be
20 in furtherance of other criminal activity, the principal shall be
21 released on [~~his or her~~] their own recognizance or under appropriate
22 non-monetary conditions; [~~or~~]

23 (u) criminal possession of a weapon in the third degree as defined in
24 subdivision three of section 265.02 of the penal law or criminal sale of
25 a firearm to a minor as defined in section 265.16 of the penal law[+];

26 (v) criminal possession of stolen property in the fourth degree as
27 defined in section 165.45 of the penal law, criminal possession of
28 stolen property in the third degree as defined in section 165.50 of the
29 penal law, criminal possession of stolen property in the second degree
30 as defined in section 165.52 of the penal law, or criminal possession of
31 stolen property in the first degree as defined in section 165.54 of the
32 penal law; or

33 (w) grand larceny in the fourth degree as defined in section 155.30 of
34 the penal law, grand larceny in the third degree as defined in section
35 155.35 of the penal law, or grand larceny in the second degree as
36 defined in section 155.40 of the penal law.

37 § 4. This act shall take effect on the ninetieth day after it shall
38 have become a law.